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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P.P. Hussey Attorney Docket No.: KVTWO123504
Application No.: 10/695,055 Art Unit: 3765 / Confirmation No: 6006
Filed: October 27, 2003 Examiner: K.M. Moran
Title: SPORT GOGGLE WITH IMPROVED VENTILATION

RESPONSE UNDER 37 C.F.R. § 1.116

Seattle, Washington 98101

June 5, 2006

TO THE COMMISSIONER FOR PATENTS:

This paper is filed in response to the Office Action mailed on April 3, 2006. Currently, Claims 1-34 are pending in the application. Claims 1-34 have been examined and stand rejected. Reconsideration of Claims 1-34 is respectfully requested.

The Rejection of Claims 1-34 Under Non-Statutory Double Patenting

Claims 1-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,637,038. Applicant has enclosed a Terminal Disclaimer to obviate an obviousness-type double patenting rejection.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 25-29 and 31-34 Under 35 U.S.C. § 102(b)

Claims 25-29 and 31-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tackles et al. (U.S. Patent No. 6,009,564).

For a reference to be anticipatory, the reference must exactly describe the claimed invention. All claim limitations must be either explicitly or inherently disclosed in a single prior art reference.

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